(86)

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM : **HON'BLE SHRI H.L. DATTU, CJ.**
HON'BLE SHRI D.R. DESHMUKH, J.

Writ Appeal No.91 of 2007

APPELLANT/ PETITIONER : Lakhan Lal Yadav aged – 40 years son of Panchu Ram Yadav, Working as – Chowkidar, at – Janpad Panchayat, Abhanpur, District – Raipur (C.G.) R/o Abhanpur, District – Raipur.

Versus

RESPONDENTS

1. State of Chhattisgarh, through – The Secretary, Panchayat & Rural Development Department, Mantralaya D.K.S. Bhawan, Raipur.
2. Development Commissioner, Chhattisgarh, H.Q. – Raipur (C.G.)
3. The Collector, District – Raipur (C.G.)
4. Chief Executive Officer, Janpad Panchayat, Abhanpur, District – Raipur (C.G.)
5. Punu Ram Yadav Chowkidar Cum Farrash at – Janpad Panchayat, Pallari, District – Raipur (C.G.)
6. Lachchhi Ram Chowkidar Cum Farrash at – Janpad Panchayat, Pithoura, District – Mahasamund (C.G.)

Writ Appeal U/S – 2 (1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006.

Present : Shri RK Kesharwani, counsel for the appellant.
Shri NK Agrawal, DY AG for the State respondents.

ORAL ORDER
(Passed on 2nd May, 2007)

The following oral order of the Court was passed by

H.L.Dattu, C.J. :

This appeal arises out of an order passed by the learned Single Judge in W.P.(S)No.1215/2007, dated 01.03.2007. By the impugned order learned Single Judge has rejected the writ petition solely on the ground of delay and laches on the part of the petitioner in approaching this Court.

(2) The facts of the case are :

The petitioner was appointed as Chowkidar on 08.01.1987. He was granted regular pay scale sometime in the month of December, 1993. The respondents –authorities by order dated 30.12.1997, has cancelled the order of regularization passed in favour of the petitioner. It is this order, which is called in question by the petitioner in the writ petition in the year 2007. In the writ petition the petitioner has not stated the reasons for approaching this Court belatedly. If for any reason, the petitioner was prevented from approaching this Court within a reasonable time, after an adverse order is passed against him, he should explain the same while filing the writ petition.

(3) We have also perused the averments made in the writ petition. Except saying that he was making representations before the authorities, nothing else is stated by the petitioner in the writ petition. In order to condone the delay in filing the writ petition, there must be a sufficient and satisfactory reason. Since the said reasons are not forthcoming, learned Single Judge, in our opinion was justified in rejecting the writ petition solely on the ground of delay and laches. In that view of the matter, interference with the said order is not called for. Accordingly, the writ appeal is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge